

**Appl. No. 09/965,998
Amdt. dated July 27, 2005
Reply to Office action of May 5, 2005**

REMARKS/ARGUMENTS

Receipt of the Office Action dated May 5, 2005 (hereinafter "Office Action"), is hereby acknowledged. In that action, the Examiner: 1) objected to the Specification; 2) rejected claims 2, 17 and 23-25 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Alcom* (U.S. Pat. No. 6,106,396) in view of *Wu* (U.S. Pat. No. 6,401,140) and *Agnihotri* (U.S. Pat. No. 6,763,456); 3) rejected claim 3 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Alcom*, *Wu* and *Agnihotri* and further in view of *Puckette* (U.S. Pat. No. 6,385,721); 4) rejected claims 7, 18 and 26 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Alcom*, *Wu* and *Agnihotri* and further in view of *Madden* (U.S. Pat. No. 6,178,503); 5) rejected claim 8 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Alcom*, *Wu*, *Agnihotri* and *Madden* and in further view of *Puckette*; and 6) withdrew the allowance of claims 2-3, 7-8 and 23-26 in view of *Wu* and *Agnihotri*.

With this Response, Applicants have amended claims 2, 17, 23, and 24, and canceled claims 25 and 26. Therefore, claims 2, 3, 7, 8, 17, 18, 23, and 24 remain pending.

I. OBJECTIONS TO THE SPECIFICATION

The Examiner objected to the Specification for allegedly failing to comply with 37 C.F.R. § 1.75(d)(1). Specifically, the Examiner asserts that Applicants' use of the word "display device" in paragraph [0024] is unclear as to whether the computer system 100 requires a display device. Applicants have amended paragraph [0024] to clarify that a display device may be present in some embodiments and absent in other embodiments. Thus to the extent a claim recites "a computer system comprising ... a display device"¹ it is Applicants' intention that a display device is required.

No new matter is added by this amendment. Applicants respectfully request withdrawal of the objections to the Specification.

¹ While Applicants appreciate a thorough review of the instant application, Applicants are unaware of a claim that recites a display device so as to require compliance with 37 C.F.R. § 1.75.

Appl. No. 09/965,998
Amdt. dated July 27, 2005
Reply to Office action of May 5, 2005

II. REJECTIONS OF THE CLAIMS

The Office Action makes a series of "*Findings*" with respect to the cited art. While Applicants appreciate thorough examination of the instant application, Applicants contend that these "*Findings*" should not be interpreted as conclusively established or that Applicants necessarily agree with these "*Findings*".

The pending claims stand rejected as allegedly obvious under § 103 over a combination of one or more of *Alcorn*, *Wu*, *Agnihotri*, *Puckette* and *Madden*. Applicants respectfully traverse these rejections because the cited art fails to teach or suggest each claim element. For example, the Examiner contends that *Madden* teaches at least some of the elements of claim 7 at col. 8, II. 54-59:

[W]hen a given operating system 106, 108, 110, or 112 is selected, the operating system code and other files needed to run the selected operating system are copied by a boot management program 136 to the root directory or another location from which the selected operating system 100 can be loaded during booting.

Applicants respectfully disagree. When read in proper context, this passage from *Madden* discloses a multiple operating system environment, where files necessary for running a selected operating system are copied to a location where the selected operating system can be loaded during booting. There is no disclosure in *Madden* of (emphasis added) "having only operating system drivers operable with the operating system to be installed available for copying from the virtual disk drive by showing only the operating system drivers operable with the operating system to be installed as files stored on the virtual disk drive by the BIOS routines", as recited in independent claim 7.

The other cited art also is deficient in this regard. For example, col. 7, II. 28-37 of *Agnihotri* discloses that when a first operating system fails to load, a second operating system is loaded that is a simplified version or subset of the first operating system. Since the second operating system is a subset of the first operating system, files (such as operating system drivers) of the first operating

**Appl. No. 09/965,998
Amdt. dated July 27, 2005
Reply to Office action of May 5, 2005**

system will be made available to the second operating system, which also is actually contrary to the requirements of claim 7.

For at least these reasons, independent claim 7 and dependent claim 8 are not rendered obvious by the cited art. In addition, independent claims 2, 17, 23, and 24, as amended, contain elements akin to those cited above with regard to claim 7. Thus, independent claims 2, 17, 23, and 24, as well as dependent claims 3 and 18, are not rendered obvious by the cited art for at least the same reasons noted above with regard to claim 7.

III. CONCLUSION

Applicants respectfully request reconsideration and issuance of a timely Notice of Allowance. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event that additional extensions of time are necessary to allow consideration of this paper, however, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Robert M. Tuttle
PTO Reg. No. 54,504
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
AGENT FOR APPLICANTS

**HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400**